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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

12) No. MS 06-5004FDB
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14) IN THE MATTER OF JACQUES) ORDER GRANTING
15) COTHIERRE, INS No. 24-650-779) EMERGENCY EX PARTE
16) MOTION TO PROVIDE
17) INVOLUNTARY MEDICAL
18) TREATMENT
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17 The Department of Homeland Security, Immigration and Customs Enforcement (hereafter
18 “ICE”) has filed an ex parte motion for an order permitting it to pursue involuntary feeding of
19 Jacques Cothierre (A 24-650-779), who is currently incarcerated as a civil detainee at the
20 Northwest Detention Center in Tacoma, Washington.

21 Based on the declarations of Dr. Philip Farabaugh and Ms. Deanna Gephart, and
22 information submitted by ICE, I find that there is sufficient cause to believe that without the
23 requested medical testing and treatment, Mr. Cothierre is in danger of irreparable injury, and
24 possible death. Mr. Cothierre’s current hunger strike poses a serious medical risk to himself.

25 A review of the applicable law reveals that the ICE has an affirmative statutory and
26 constitutional duty to care for and treat inmates in its custody. This Court has inherent authority
27 to issue an Order requiring the ICE to undertake this affirmative duty, which includes provision
28 of forced feeding with plastic tubes through the nasal passage. Such treatment should be limited

1 to that which is medically necessary for Mr. Cothierre.

2 Therefore, IT IS HEREBY ORDERED that ICE may undertake the medical procedures
3 and treatment described herein. ICE is directed to provide a copy of this order to Mr. Cothierre
4 and his attorney forthwith.

5 DATED this 1st day of March, 2006.

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8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE

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11 Presented by:

12 JOHN McKAY
13 United States Attorney

14
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Enforcement